



NRO-041-15

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

Molly Joseph Ward
Secretary of Natural Resources

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David K. Paylor
Director

Thomas A. Faha
Regional Director

March 12, 2015

Mr. Michael Younce
Assistant Operations Manager
Buckeye Terminals, LLC
9601 Colonial Avenue
Fairfax, Virginia 22031

Location: Fairfax City
Registration No.: 70220
FIPS/Plant ID: 51-600-00061

Dear Mr. Younce:

Attached is a renewal Title V permit to operate your affected source pursuant to Chapter 80, Article 1, of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit incorporates provisions from the facility's minor New Source Review Permit dated April 23, 2003.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Please read all conditions carefully.

In evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality (DEQ) deemed the application complete on December 12, 2014 and solicited written public comments by placing a newspaper advertisement in the Washington Times on January 22, 2015. The thirty day comment period (provided for in 9 VAC 5-80-270) expired on February 25, 2015, with no comments having been received in this office. The comment period for the EPA review expired on March 9, 2015 with no comments received.

This approval to operate does not relieve Buckeye Terminals, LLC of the responsibility to comply with all other local, state, and federal permit regulations.

Issuance of this permit is a case decision. The Regulations, at 9 VAC 5-170-200, provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this permit is mailed or delivered to you. Please consult that and other relevant provisions for additional requirements for such requests.

Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

Mr. David K. Paylor, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please contact Gary Beeson at (703) 583-3969.

Sincerely,

A handwritten signature in dark ink, appearing to read "James B. LaFratta". The signature is fluid and cursive, with a large loop at the end.

James B. LaFratta
Regional Air Permit Manager

TAF/JBL/HGB/15-041-NRO

Attachment: Permit

cc: Pierce Wagner, Buckeye Terminals, LLC (electronic file submission)
Maribeth Hughes, Hughes Environmental Consulting, PLLC (electronic file submission)
Director, OAPP (electronic file submission)
Manager, Data Analysis (electronic file submission)
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III (electronic file submission)
Manager/Inspector, Air Compliance (electronic file submission)



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Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated, or expires, the permittee is authorized to operate in accordance with the terms and conditions herein. The permit is issued under the authority of Title 10.1, Chapter 12, § 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations of the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Buckeye Terminals, LLC
Facility Name: Fairfax Terminal
Facility Location: 9601 Colonial Avenue
Fairfax, Virginia 22031

Registration Number: 70220
Permit Number: NRO70220

This permit includes the following programs:

Federally Enforceable Requirements – Clean Air Act

March 12, 2015

Effective Date

March 11, 2020

Expiration Date

Thomas A. Faha, Regional Director

March 12, 2015

Signature Date

Permit Conditions: 1 through 102

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FACILITY INFORMATION

Permittee

Buckeye Terminals, LLC
9601 Colonial Avenue
Fairfax, Virginia 22031

Responsible Official

Mr. Michael Younce
Assistant Operations Manager

Facility

Buckeye Terminals, LLC
Fairfax Terminal
9601 Colonial Avenue
Fairfax, Virginia 22031

Contact Person

Mr. Pierce Wagner
HSE Specialists
(610) 904-4977

County-Plant Identification Number: 51-600-00061

Facility Description: NAICS 493190

The facility is a bulk petroleum storage and distribution facility with the potential to operate 8,760 hours per year. The terminal structures and equipment include six (6) vertical fixed roof tanks equipped with internal floating roofs with liquid mounted primary and rim mounted secondary seals which may store gasoline, distillates and ethanol products. There are nine (9) fuel additive tanks of 10,000 gallons or less. The facility has one loading rack that may load gasoline, refined gasoline, distillates, and ethanol. The loading rack is comprised of six (6) bays with eighteen (18) arms. The exhaust from the loading rack is connected to a carbon absorption vapor recovery type (VRU) as the primary control unit with a vapor combustion unit (VCU) as a backup. The vapor control units are electrically interlocked to operate when tanker trucks loading pumps are activated. If the VRU system pressure is insufficient due to electrical failure or other causes, the VCU is automatically actuated. If the VCU operating conditions are not established, the truck loading pumps are automatically shut down.

There are buildings which house offices, maintenance facilities, and a garage building. Gasoline and distillates are received at the site by pipeline while ethanol is received at the facility via trucks. Fuel additives are also received by tanker truck. The loading rack is configured to allow loading of six (6) tanker trucks simultaneously, with either gasoline, distillates or ethanol.

The facility is a Title V major source of volatile organic compounds (VOC) and is currently operating under the latest NSR permit amendment issued on April 23, 2003. Because the Title V renewal application was received in a timely manner the facility also operates with the protection of the Title V permit shield for the Title V permit issued on January 11, 2001. The source is located in an ozone non-attainment area and in the Ozone Transport Region. The facility is a Prevention of Significant Deterioration (PSD) minor for all other PSD regulated

pollutants. Tanks EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6 and the truck loading rack EU-LR are subject to the requirements of 40 CFR 63, Subpart BBBBBB (Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities) when in gasoline service. The loading rack is also subject to 40 CFR 60, Subpart XX (Standards of Performance for Bulk Gasoline terminals) when in gasoline service. As an area source of Hazardous Air Pollutants (HAP) the source is exempt from the requirements of 40 CFR 63, Subpart R (National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) under §63.420(a)(2) but must maintain records to demonstrate its continued exempt status. Tank EU-6 is subject to 40 CFR 60, Subpart K.

Tanks EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6 and the truck loading rack EU-LR are subject to the requirements of Virginia Rule 4-37 (9 VAC 5-40-5200 et al: Emission Standards For Petroleum Liquid Storage and Transfer Operations) when in gasoline service.

EMISSION UNITS

Equipment to be operated consists of:

<u>Emission Unit ID</u>	<u>Stack ID</u>	<u>Emission Unit Description</u>	<u>Size/Rated Capacity*</u>	<u>Pollution Control Device (PCD) Description</u>	<u>PCD ID</u>	<u>Pollutant Controlled</u>	<u>Applicable Permit Date</u>
EU-1	N/A	Fixed Roof Petroleum liquid storage tank. Constructed 1964	3,696,410 gal	Internal floating roof w/primary and secondary seals.	—	VOC, HAP	April 23, 2003
EU -2	N/A	Fixed Roof Petroleum liquid storage tank. Constructed 1964	3,054,885 gal	Internal floating roof w/primary and secondary seals.	—	VOC, HAP	April 23, 2003
EU -3	N/A	Fixed Roof Petroleum liquid storage tank. Constructed 1964, IFR installed 2005	1,015,162 gal	Internal floating roof w/primary and secondary seals.	—	VOC, HAP	April 23, 2003
EU -4	N/A	Fixed Roof Petroleum liquid storage tank. Constructed 1964	5,063,401 gal	Internal floating roof w/primary and secondary seals.	—	VOC, HAP	April 23, 2003
EU -5	N/A	Fixed Roof Petroleum liquid storage tank. Constructed 1970	1,804,732 gal	Internal floating roof w/primary and secondary seals.	—	VOC, HAP	April 23, 2003
EU -6	N/A	Fixed Roof Petroleum liquid storage tank. Constructed 1978	3,412,071 gal	Internal floating roof w/primary and secondary seals.	—	VOC, HAP	April 23, 2003
EU-LR	VRU/VCU	Truck Loading Rack	648,000 gal/hr	VRU/VCU		VOC, HAP	April 23, 2003

*The Size/Rated capacity [and PCD efficiency] is provided for informational purposes only, and is not an applicable requirement.

PROCESS EQUIPMENT REQUIREMENTS – STORAGE TANKS (ID# EU-1, EU-2, EU-3, EU-4, EU-5, AND EU-6)

Limitations

1. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Limitations** – Volatile organic compound (VOC) emissions, from the operation of the storage tanks 1, 2, 3, 4, 5, and 6, shall be controlled by internal floating roofs resting on the surface of the liquid contents and equipped with a closure seal, or seals to close the space between the roof edge and tank shell. The storage tanks shall be provided with adequate access for inspection.
(9 VAC 5-80-110, 9 VAC 5-40-5220, 9 VAC 5-40-5230, and Condition 3 of the April 23, 2003 NSR permit)
2. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Limitations** – The annual throughput of gasoline and distillate oil for all tanks combined shall not exceed 940 million gallons per year. The throughput for the tanks shall be calculated monthly as the sum of each consecutive 12-month period. The above value exceeds the capacity of the loading racks because it includes gasoline and distillate transfers back to the pipeline and from one tank to another.
(9 VAC 5-80-110 and Condition 4 of the April 23, 2003 NSR permit)
3. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Limitations** – The combined VOC emissions from the operation of the storage tanks (EU-1 through EU-6) shall not exceed 20.0 tons/year based on a throughput of 940 million gallons per year. The VOC emissions include emissions resulting from tank standing losses, tank working losses, and roof landing losses. The throughput shall be calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 6 of the April 23, 2003 NSR permit)

Monitoring

4. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Monitoring** – The facility shall make visual inspections of the internal floating roofs, the primary seals, the secondary seals, gaskets, slotted membranes, and sleeve seals of the storage tanks each time it is emptied and degassed. If there are holes, tears, or other openings in the seals or the seal fabric or defects in the floating roofs, the owner/operator shall repair the item before initially filling or refilling the storage tanks. The facility shall notify the Regional Air Compliance Manager of the Department of Environmental Quality's (DEQs) of the Northern Regional Office (NRO), in writing at least 30 days prior to the refilling of each storage tank for which an inspection is required to afford the opportunity to have an observer present.
(9 VAC 5-80-110, 9 VAC 5-40-5220, and Condition 10 of the April 23, 2003 NSR permit)
5. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Monitoring** – The tanks with internal floating roofs, (EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6), shall be visually inspected on an annual basis.
 - a. The annual visual inspection of the floating cover shall be made through roof hatches, to ascertain compliance with the specifications in 9 VAC 5-40-5220 subdivisions A(4)(a)(1) and (2).

- i. The cover should be uniformly floating on or above the liquid and there should be no visible defects in the surface of the cover or liquid accumulated on the cover.
 - ii. The seal must be intact and uniformly in place around the circumference of the cover between the cover and tank wall.
- b. Perform a complete inspection of the cover and seal and record the condition of the cover and seal whenever the tank is emptied for nonoperational reasons such as maintenance, an emergency, or other similar purposes.

(9 VAC 5-80-110 and Condition 11 of the April 23, 2003 NSR permit)

Recordkeeping

6. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Recordkeeping** – A copy of each annual inspection for each gasoline storage tank and a copy of each internal tank inspection for each gasoline storage tank shall be kept on site, or readily available. Both inspection reports shall contain, at a minimum, the condition of each item of inspection (floating roof, seals, and fittings), all measurements taken, particularly the seal gap measurements taken during the internal inspection, and specific details of each repair made with the date and signature of the person making the repair.
(9 VAC 5-80-110 and Condition 12 of the April 23, 2003 NSR permit)
7. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Recordkeeping** – A record shall be kept of the storage and throughput of each tank that shall include the throughput quantities, types of petroleum liquid stored, the average monthly temperature, and the maximum true vapor pressure of the liquid as stored. These records shall be kept on site on a monthly basis. These records may differ from the throughput of the loading rack, because fuel may be received from the pipeline and promptly returned to the pipeline.
(9 VAC 5-80-110 and Condition 11 of the April 23, 2003 NSR permit)
8. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Recordkeeping** – A record of the annual tank emission calculations, such as those performed by the EPA TANKS model, shall be kept on site or readily available.
(9 VAC 5-80-110)
9. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Recordkeeping** – The facility shall establish and maintain a record keeping system which details each inspection performed as required by Conditions 4 and 5 of this Title V permit. Each record shall identify the storage tank on which the inspection was performed and shall contain the date the tank was inspected and the observed condition of each component of the control equipment (floating roof, seals, and fittings). If, after an inspection, it is determined that a defect is present, such as listed in Condition 5 of this Title V permit, the owner/operator shall notify the Regional Air Compliance Manager of the DEQs NRO, in writing within 30 days of the inspection. The notification shall identify the tank, the nature of the defect(s), the date the tank was emptied or will be emptied, and the nature and date the repair was or will be made. The notification shall also include, if necessary, the request for a 30-day extension to empty and/or repair the tank.
(9 VAC 5-80-110, 9 VAC 5-40-5310, and Condition 12 of the April 23, 2003 NSR permit)

10. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Recordkeeping** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Regional Air Compliance Manager of the DEQs NRO. These records shall include, but are not limited to:

- a. Annual throughput of gasoline and distillate oil, calculated monthly as the sum of each consecutive twelve (12) month period.
- b. All tank inspections.

(9 VAC 5-80-110 and Condition 15 of April 23, 2003 NSR permit)

Reporting

11. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Reporting** – The permittee shall notify the Regional Air Compliance Manager of the DEQs NRO, at least thirty (30) days prior to the filling or refilling of each gasoline storage vessel for which an inspection is required under Condition 5(b) of this Title V permit. In the event it is impossible, by reason of extenuating circumstances, that a thirty (30) day notice cannot be made, the Regional Air Compliance Manager of the DEQs NRO, shall be notified by telephone at least seven (7) days prior to the filling/refilling of the storage vessel. The notification shall be made immediately following the telephone call by a written document explaining why an inspection was unplanned. Refilling a tank, which has been out of service for more than twelve (12) months, is considered an initial fill.

(9 VAC 5-80-110, 9 VAC 5-40-5310, and Condition 12 of the April 23, 2003 NSR permit)

12. **Process Equipment Requirements – (ID# EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6) – Reporting**

- a. If, during the annual inspection, the inspection reveals that the internal floating roof is not resting on the surface of the petroleum product inside the tank, or there is liquid accumulated on the floating roof, or the seal is detached, or there are holes or tears in the cover or seal material, the owner/operator shall repair the items or empty and remove the tank from service within forty-five (45) days.
- b. If a failure that is detected during the annual inspection required by this condition cannot be repaired within forty-five (45) days, or if the tank cannot be emptied within forty-five (45) days in order to make repairs, a thirty (30) day extension may be requested from the Regional Air Compliance Manager of the DEQs NRO. An extension request must be made in writing and certify that alternate storage capacity is unavailable. A schedule for completing the necessary repairs must accompany such requests.

(9 VAC 5-80-110, 9 VAC 5-40-5310, and Conditions 11 and 12 of the April 23, 2003 NSR permit)

PROCESS EQUIPMENT REQUIREMENTS – LOADING RACK (ID# EU-LR)

Limitations

13. **Process Equipment Requirements – (ID# EU-LR) – Limitations** – The annual throughput of gasoline through the loading racks shall not exceed 700 million gallons per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 5 of the April 23, 2003 NSR permit)
14. **Process Equipment Requirements – (ID# EU-LR) – Limitations** – Emissions from the operation of the vapor recovery unit/vapor combustion unit (VRU/VCU) for gasoline loading losses shall not exceed 10 milligrams VOC/liter of gasoline loaded.
(9 VAC 5-80-100 and Condition 7 of the April 23, 2003 NSR permit)
15. **Process Equipment Requirements – (ID# EU-LR) – Limitations** – The VOC fugitive emissions from the loading rack shall be determined using throughputs and the established factor of eight (8) mg/l of gasoline loaded as reflected in EPA 450/2-78-051. These emissions shall be calculated annually for emission inventory and fee purposes.
(9 VAC 5-80-110)
16. **Process Equipment Requirements - (ID# EU-LR) – Limitations** – The owner or other person shall not cause or permit to be discharged into the atmosphere from the VCU any visible emissions which exhibit greater than twenty percent (20%) opacity, except for one six-minute period in any one-hour period of not more than thirty percent (30%) opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.
(9 VAC 5-80-110 and 9 VAC 5-40-80)
17. **Process Equipment Requirements - (ID# EU-LR) – Limitations** – The vapor collection system shall collect the total organic compound vapors displaced from tanker trucks during gasoline loading.
(9 VAC 5-80-110, 9 VAC 5-40-5230, and 40 CFR 60.502)
18. **Process Equipment Requirements – (ID# EU-LR) – Limitations** – The owner or operator shall act to assure that the terminal and the tanker truck's vapor collection systems are connected during each loading of a gasoline tanker truck at the affected facility. Examples of actions to accomplish this include training drivers in hookup procedures and posting visible reminder signs at the affected loading racks.
(9 VAC 5-80-110 and 40 CFR 60.502)
19. **Process Equipment Requirements – (ID# EU-LR) – Limitations** – The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 Pascal's (450 mm of water) during product loading.
(9 VAC 5-80-110 and 40 CFR 60.502)
20. **Process Equipment Requirements – (ID# EU-LR) – Limitations** – No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 Pascal's (450 mm of water).
(9 VAC 5-80-110 and 40 CFR 60.502)

21. **Process Equipment Requirements – (ID# EU-LR) – Limitations** – All vapor lines shall be equipped with fittings that make vapor tight connections and which close when disconnected.
(9 VAC 5-80-110 and 9 VAC 5-40-5230)
22. **Process Equipment Requirements (ID# EU-LR) – Limitations** – Total emissions from the (VRU/VCU) shall not exceed 29.21 tons of VOC/year. Emissions shall be calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 8 of the April 23, 2003 NSR permit)

Monitoring

23. **Process Equipment Requirements – (ID# EU-LR) – Monitoring**
- a. The permittee shall perform a visible emission observation (VEO) during daylight hours, on the VCU exhaust stack once each day that the VCU is in operation.
 - i. The VEO shall be based on the techniques of an EPA Method 22 with a follow-up EPA Reference Method 9, should an observation indicate visible emissions for more than six consecutive minutes.
 - ii. Each VEO shall be performed for a sufficient period of time to identify the presence or absence of visible emissions.
 - iii. If no visible emissions are observed, no action shall be required.
 - b. If visible emissions are observed, a visible emissions evaluation (VEE) shall be conducted using 40 CFR Part 60, Appendix A, Method 9 for a period of not less than 6-minutes.
 - i. If the average opacity exceeds 20%, corrective action and/or repairs to the VCU shall be performed to correct the problem and the corrective measures shall be recorded.
 - ii. If such corrective action fails to remedy the opacity problem, a VEE in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be performed for a period of at least 18 consecutive minutes to determine compliance with the opacity limits specified in this permit.
 - c. The follow-up VEE, if required, shall be conducted by currently certified visible emission evaluator.
- (9 VAC 5-80-110)
24. **Process Equipment Requirements – (ID# EU-LR) - Monitoring - Compliance Assurance Monitoring (CAM)** – In order to satisfy the Compliance Assurance Monitoring (CAM) requirements of 40 CFR 64, the following activities shall be followed. Should the facility decide at a later date that a different method of monitoring the control devices is desirable; an application shall be submitted to the Regional Air Permit Manager of the DEQs NRO for evaluation to determine the need for any permitting action. These monitoring conditions are:

- a. The permittee shall monitor, operate, calibrate and maintain the vacuum measuring device, temperature measuring device, and pressure measuring device controlling the VRU according to the following:

Monitoring, Frequency, Records	Performance Criteria	Indicator Range; Averaging Period
Daily when VRU is operating	Vacuum level within carbon bed while in service	0 to 28" Hg
Daily when VRU is operating	Temperature as measured at the middle of the carbon bed while in service	20 to 200 °F
Daily when VRU is operating	Gasoline pressure as measured at the top of the absorber	10 to 18 psi

- b. The permittee shall monitor, operate, calibrate and maintain the flame detection device controlling the VCU according to the following:

Monitoring, Frequency, Records	Performance Criteria	Indicator Range; Averaging Period
Daily when VCU is operating	Confirm presence of a flame.	Yes

(9 VAC 5-80-110 E and 40 CFR 64.6 (c))

25. **Process Equipment Requirements – (ID# EU-LR) - Monitoring - Compliance Assurance Monitoring (CAM)** – The permittee shall conduct the monitoring and fulfill the other obligations specified in 40 CFR 64.7 through 40 CFR 64.9.
(9 VAC 5-80-110 E and 40 CFR 64.6 (c))
26. **Process Equipment Requirements – (ID# EU-LR) - Monitoring - Compliance Assurance Monitoring (CAM)** – At all times, the permittee shall maintain the monitoring equipment, including, but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
(9 VAC 5-80-110 E and 40 CFR 64.7 (b))
27. **Process Equipment Requirements – (ID# EU-LR) - Monitoring - Compliance Assurance Monitoring (CAM)** – Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the VRU and VCU are operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of compliance assurance monitoring, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid

data. Monitoring failures that are caused in part by inadequate maintenance or improper operation are not malfunctions.

(9 VAC 5-80-110 E and 40 CFR 64.7 (c))

28. **Process Equipment Requirements – (ID# EU-LR) - Monitoring - Compliance**

Assurance Monitoring (CAM) – Upon detecting an excursion or exceedance, the permittee shall restore operation of the loading rack (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup and shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator, designated condition, or below the applicable emission limitation or standard, as applicable.

(9 VAC 5-80-110 E and 40 CFR 64.7 (d)(1))

29. **Process Equipment Requirements – (ID# EU-LR) - Monitoring - Compliance**

Assurance Monitoring (CAM) – Determination that acceptable procedures were used in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

(9 VAC 5-80-110 E and 40 CFR 64.7(d)(2))

30. **Process Equipment Requirements – (ID# EU-LR) - Monitoring - Compliance**

Assurance Monitoring (CAM) – If the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Regional Air Compliance Manager of the DEQs NRO and, if necessary, submit a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

(9 VAC 5-80-490 E 9 VAC 5-80-110 E and 40 CFR 64.7(e))

31. **Process Equipment Requirements – (ID# EU-LR) - Monitoring - Compliance**

Assurance Monitoring (CAM) – If the number of exceedances or excursions exceeds 5 percent duration of the operating time for the loading rack for a semiannual reporting period, the permittee shall develop, implement and maintain a Quality Improvement Plan (QIP) in accordance with 40 CFR 64.8. If a QIP is required, the permittee shall have it available for inspection. The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the permittee shall modify the plan to include procedures for conducting one or more of the following, as appropriate:

- a. – Improved preventative maintenance practices;

- b. Process operation changes;
- c. Appropriate improvements to control methods;
- d. Other steps appropriate to correct control performance; and
- e. More frequent or improved monitoring.

(9 VAC 5-80-110 E and 40 CFR 64.8(a) and (b))

32. **Process Equipment Requirements – (ID# EU-LR) – Monitoring – Compliance Assurance Monitoring (CAM)** – The monitoring device(s) shall be verified for accuracy annually at a minimum following the manufactures recommended methods and procedures.

(9 VAC 5-80-110E)

33. **Process Equipment Requirements – (ID# EU-LR) – Monitoring** – Each calendar month the vapor collection system, the vapor processing system, and the loading rack handling gasoline shall be inspected during the loading of gasoline tanker trucks for total organic compounds, liquid, or vapor leaks. The detection methods incorporating sight, sound, or smell will be acceptable. Should a leak be detected, the leak shall be recorded and the source of the leak repaired within fifteen (15) calendar days after it is detected.

(40 CFR 60.502(j))

Recordkeeping

34. **Process Equipment Requirements – (ID# EU-LR) – Recordkeeping** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Regional Air Compliance Manager of the DEQs NRO. These records shall include, but are not limited to:

- a. All records of the daily visible emission observations as required in the Title V permit Condition 23.
- b. A record shall be kept of the throughput of the loading rack which lists the quantity and type of each gasoline product. These records shall be kept on an annual basis calculated monthly as the sum of each consecutive twelve (12) month period.
- c. All inspections of the loading rack, vapor recovery unit, and vapor combustion unit. These records shall include, at a minimum:
 - i. Date of the inspection,
 - ii. Findings – may indicate no leaks discovered, or nature and severity of each leak,
 - iii. Leak determination method,
 - iv. Corrective action taken (date each leak was repaired – and the reason for any delay of repairs in excess of 15 days),

- v. Inspectors name and signature.
- vi. Any stack testing as required by this permit shall be made available upon request from the DEQ inspector. These records shall be retained on site for the most recent five (5) years.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and 40 CFR 60.505(c))

- 35. **Process Equipment Requirements – (ID# EU-LR) – Recordkeeping** – A record shall be kept of the monthly leak check conducted on the tanker and loading rack fittings while loading or unloading in accordance with Condition 32 of this Title V permit. These records shall be kept on site and made available on request from DEQ inspectors. These records shall be retained on site for a period of the most recent five years.
(9 VAC 5-80-110 and 9 VAC 5-40-5220.G.4)
- 36. **Process Equipment Requirements – (ID# EU-LR) – Recordkeeping** – A record of each stack test shall be retained on site and made available upon request from DEQ inspectors. These records shall be retained on site for the most recent five (5) years.
(9 VAC 5-80-110)
- 37. **Process Equipment Requirements – (ID# EU-LR) – Compliance Assurance Monitoring (CAM) Recordkeeping** – The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan (QIP) required pursuant to §64.8 and any activities undertaken to implement a quality improvement plan (QIP), and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).
(9 VAC 5-80-110 E and 40 CFR 64.9(b))

Testing

- 38. **Process Equipment Requirements – (ID# EU-LR) – Testing** – The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-40-30, 9 VAC 5-80-110, and Condition 9 of the April 23, 2003 NSR permit)
- 39. **Process Equipment Requirements – (ID# EU-LR) – Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)
- 40. **Process Equipment Requirements – (ID# EU-LR) – Testing** – Once each permit term (five years), with no more than sixty months between tests, the permittee shall conduct a stack test for VOCs from the vapor control system (VRU and VCU) to demonstrate compliance with the emission limits in Condition 14. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. Should an application shield be

in place and the renewed permit has not been issued, the five year period will continue to proceed as if the permit had been renewed.
(9 VAC 5-88-110 and 9 VAC 5-50-30)

41. **Process Equipment Requirements – (ID# EU-LR) – Testing** – The vapor control system shall be tested after a major shut-down. A major shut-down is defined as complete change-out of the carbon beds, burn-through of the carbon beds, failure of the refrigeration unit, failure of the combustion unit. The following test methods and procedures shall be used — 40 CFR 60, Appendix A, and 40 CFR 60, Subpart XX.

The permittee shall submit a test protocol to the Regional Air Compliance Manager of the DEQs NRO at least thirty days prior to testing to the following address:

Regional Air Compliance Manager
Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, Virginia 22193

One hard copy and one electronic copy of the test results shall be submitted to the Regional Air Compliance Manager of the DEQs NRO within sixty days after test completion.
(9 VAC 5-80-110 and 9 VAC 5-50-30)

Reporting

42. **Process Equipment Requirements – (ID# EU-LR) – Compliance Assurance Monitoring (CAM) Reporting** - The permittee shall submit CAM reports as part of the Title V semi-annual monitoring reports required by General Condition 71 of this Title V permit to the Regional Air Compliance Manager of the DEQs NRO. Such reports shall include at a minimum:
- a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
 - b. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
 - c. A description of the actions taken to implement a quality improvement plan (QIP) during the reporting period as specified in §64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

(9 VAC 5-80-110 and 40 CFR 64.9(a))

TANKER TRUCK CERTIFICATION (VAPOR TIGHTNESS)

Limitations

43. **Tanker Truck Certification (Vapor Tightness)** – Loading of liquid product into gasoline tanker trucks shall be limited to vapor-tight gasoline tanker trucks as follows:
- a. The terminal owner or operator shall obtain the vapor tightness documentation, described below, for each gasoline tanker truck that is to be loaded at the facility. This identification shall be either manually, by computer chip located in the tanker truck grounding strap or other electronic identification system.
 - b. The terminal owner or operator shall require the tank identification number to be recorded as each gasoline tanker truck is loaded.
 - c. The terminal owner or operator shall cross-check each tank identification number obtained during item (b) above to assure vapor tightness documentation within two weeks after the tank is loaded, unless either of the following conditions is maintained:
 - i. If less than an average of one gasoline tanker truck per month over the last 26 weeks is loaded without vapor tightness documentation, then the documentation cross-check shall be performed each quarter, or
 - ii. If less than an average of one gasoline tanker truck per month over the last 52 weeks is loaded without vapor tightness documentation, then the documentation cross-check shall be performed semiannually.
 - d. If either the quarterly or semiannual cross-check provided in paragraphs (c)(i) or (ii) above reveals that these conditions were not maintained, the source must return to biweekly monitoring until such time as these conditions are again met.
 - e. The terminal owner or operator shall notify the owner or operator of each non-vapor-tight gasoline tanker truck loaded at the affected facility within one (1) week of the documentation cross-check.
 - f. Alternative procedures to those described in (a) through (d) may be used only with prior approval from DEQ and EPA.
 - g. The facility may use an electronic interlock system that prevents a tanker truck without a valid vapor-tightness test on file from loading, which meets the requirements of this condition.

(9 VAC 5-80-110, 40 CFR 60.502, and 40 CFR 60.505)

Recordkeeping

44. **Tanker Truck Certification (Vapor Tightness)** – Tanker truck vapor tightness documentation shall be kept on file at the terminal in a permanent form available for inspection. This documentation file for each gasoline tanker truck shall be updated at least once per year to reflect the current test results as determined by Method 27 of 40 CFR 60

Appendix A and Subpart XX. This record shall include at a minimum the following information:

- a. Test title: Gasoline Delivery Tank Pressure Test - EPA Reference Method 27.
- b. Tank owner and address.
- c. Tank identification number.
- d. Testing location.
- e. Date of test.
- f. Tester name and signature.
- g. Witnessing inspector, if any - Name, signature and affiliation.
- h. Test results - Actual pressure change in five (5) minutes, mm of water (average for two (2) runs).

Note: Records indicating that tanker trucks have been successfully tested to the tightness requirements of 40 CFR 63 Subpart R in lieu of those in 40 CFR 60 Subpart XX are deemed to be more stringent and satisfy the testing requirements for tanker trucks.

(9 VAC 5-80-110 and 40 CFR 60.505)

45. **Tanker Truck Certification (Vapor Tightness)** – Records shall be kept of all replacements or additions to the vapor control system.
(9 VAC 5-80-110, 40 CFR 60.505)

Reporting

46. **Tanker Truck Certification (Vapor Tightness)** – For the purposes of the semiannual report required in General Condition 69, the permittee shall note any tanker trucks that were loaded which did not meet the requirements of Condition 44 of this Title V permit and any follow-up which occurred.
(9 VAC 5-80-110)

FACILITY WIDE CONDITIONS

Limitations

47. **Facility Wide Conditions – Limitations** – Calculated emissions from the pumps, valves, flanges, open-ended piping, and oil/water separator shall not exceed 0.5 tons, total, per calendar year.
(9 VAC 5-80-110 and Condition 14 from the April 23, 2003 NSR permit)
48. **Facility Wide Conditions – Limitations** – If the permittee operates the facility in such a manner that the parameters used in the 40 CFR 63, Subpart R applicability equation in 40 CFR 63.420(a)(1) are not exceeded for any thirty (30) day rolling average, as documented by the results of E_T (emissions screening factor for bulk gasoline terminals) < 1.0 (40 CFR

63.420(c)), the permittee is exempt from the requirements of 40 CFR part 63, Subpart R, except that the permittee shall:

- a. Operate the facility such that none of the facility parameters used to calculate results under paragraph (a)(1) of 40 CFR 63.420 and approved by DEQ are exceeded in any rolling thirty (30) day period, and
- b. Maintain records as specified in 40 CFR 63.428(i).

(9 VAC 5-80-110)

49. **Facility Wide Conditions – Limitations** – During any construction, modification or operation phase of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.
(9 VAC 5-80-110)

50. **Facility Wide Conditions – Limitations** – In order to minimize the duration and frequency of excess emissions due to malfunctions of process equipment or air pollution control equipment, the permittee shall:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.
- b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdowns.

(9 VAC 5-80-110 and Condition 18 of the April 23, 2003 NSR permit)

51. **Facility Wide Conditions – Limitations** – Annual requirements to fulfill legal obligations to maintain current stationary source emissions data will necessitate your prompt response to requests for information to include, as appropriate: process and production data; changes in control equipment; and operating schedules. Such requests for information from the DEQ will either be in writing or by personal contact. The availability of information submitted to the DEQ or the Board will be governed by applicable provisions of the Freedom of Information Act, §§ 2.1-340 through 2.1-348 of the Code of Virginia, § 10.1-1314 (addressing information provided to the Board), and 9 VAC 5-20-160 of the State Air Pollution Control Board Regulations. Information provided to federal officials is subject to appropriate federal law and regulations governing confidentiality of such information.
(9 VAC 5-80-110 and Condition 20 of the April 23, 2003 NSR permit)

52. **Facility Wide Conditions – Limitations** – This permit may be modified or revoked in whole or in part for cause, including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

- c. A change in any condition that requires either a temporary or permanent reduction or elimination of a permitted discharge; or
- d. Information that the permitted discharge of any pollutant poses a threat to human health, welfare, or the environment.

(9 VAC 5-80-110 and Condition 16 of the April 23, 2003 NSR permit)

Monitoring

- 53. **Facility Wide Conditions – Monitoring** – Annual tank emissions shall be calculated using the current correlations and equations found in AP-42. The current EPA Tanks model is therefore acceptable.
(9 VAC 5-80-110 and 40 CFR 60.502)
- 54. **Facility Wide Conditions – Monitoring** – A monthly inspection of the site shall be made on each valve, pump, open-ended valve or line, pressure relief device, sampling connection system, flange, or other connector in the gasoline liquid transfer or vapor system. A method acceptable for detection is sight, sound, or smell. Results of this inspection shall be recorded which shall be kept at the facility.
(40 CFR 60-5020 and 9 VAC 5-40-5290)

Recordkeeping

- 55. **Facility Wide Conditions – Recordkeeping** – A copy of this permit shall be maintained on the premises of the facility to which it applies.
(9 VAC 5-80-110 and Condition 21 of the April 23, 2003 NSR permit)
- 56. **Facility Wide Conditions – Recordkeeping** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Regional Air Manager of the DEQs NRO. These records shall include, but are not limited to:
 - a. Temperature of the VCU or verification of the flame and the vacuum/pressure at the inlet of the VRU. This may be done either by a daily manual check or by a continuous monitoring device that yields a 24 hour per day chart.
 - b. Leak test inspections.
 - c. Site liquid/vapor leak inspections.
 - d. Records of malfunctions of equipment that would cause a violation of any part of this permit.
 - e. Inspections, maintenance schedules, and service records for all air pollution related equipment.
 - f. Calculated fugitive emissions from tank degassing, losses through pumps, flanges, etc., losses at the loading rack from tanker truck loading.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Conditions 4, 5, 6, 7, 8, and 12 of the April 23, 2003 NSR permit)

57. **Facility Wide Conditions – Recordkeeping** – The permittee shall maintain records to document that the facility parameters established for the screening equation at 40 CFR 63.402 have not been exceeded.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
 (40 CFR 63.428(i))

Testing

58. **Facility Wide Conditions –Testing** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
 (9 VAC 5-50-30, 9 VAC 5-80-110, and Condition 9 for the April 23, 2003 NSR permit)
59. **Facility Wide Conditions –Testing** - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
 (9 VAC 5-80-110)

INSIGNIFICANT EMISSION UNITS

60. **Insignificant Emission Units** – The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
EU-7	Additive tank	9 VAC 5-80-720 B	VOC	—
EU-8	Additive tank	9 VAC 5-80-720 B	VOC	—
EU-9	Additive tank	9 VAC 5-80-720 B	VOC	—
EU-10	Additive tank	9 VAC 5-80-720 B	VOC	—
EU-11	Additive tank	9 VAC 5-80-720 B	VOC	—
EU-12	Additive tank	9 VAC 5-80-720 B	VOC	—
EU-13	Additive tank	9 VAC 5-80-720 B	VOC	—
EU-T1	Storage tote	9 VAC 5-80-720 B	VOC	—
EU-T2	Storage tote	9 VAC 5-80-720 B	VOC	—
EU-OWS	Oil/water Separator	9 VAC 5-80-720 B	VOC	—

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

PERMIT SHIELD & INAPPLICABLE REQUIREMENTS

61. **Permit Shield & Inapplicable Requirements** – Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the

permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
9 VAC 5-40-3410 through 3550 (Rule 4-25)	Emission standards for VOC storage and transfer operations.	The facility is subject to Rule 4-37 and is therefore exempt from the requirements of Rule 4-25 (9 VAC 5-40-3410 C).
40 CFR 68	Accidental Release Prevention Requirements: Section 112(r)	Petroleum liquids (gasoline, diesel fuel, jet fuel, etc.) are not subject to this rule.
40 CFR 60, Subparts Ka and Kb Gasoline Storage Tanks	NSPS for storage vessels for petroleum liquids/volatile organic liquids	All gasoline storage tanks were constructed prior to June 11, 1973.
40 CFR 63, Subpart R	National Emission Standards for Gasoline Distribution – Stage I	The source is exempt from the requirements of 40 CFR 63, Subpart R, but must demonstrate continued exemption by monitoring the value of E_T to insure it remains below 1 for the continued exemption to Subpart R to continue. Potential emissions are below 10 TPY for a single HAP and below 25 TPY for a combination of all HAPs.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
 (9 VAC 5-80-140)

GENERAL CONDITIONS

62. **General Conditions – Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
 (9 VAC 5-80-110 N)
63. **General Conditions – Permit Expiration** - This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with

the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

64. **General Conditions – Permit Expiration** - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

65. **General Conditions – Permit Expiration** - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

66. **General Conditions – Permit Expiration** - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

67. **General Conditions – Permit Expiration** - If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

68. **General Conditions – Permit Expiration** - The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

69. **General Conditions – Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

- a. The date, place as defined in the permit, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of such analyses; and

- f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

70. **General Conditions – Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

71. **General Conditions – Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedance of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

72. **General Conditions – Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;

- b. The identification of each term or condition of the permit that is the basis of the certification;
- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- f. Such other facts as the permit may require to determine the compliance status of the source; and
- g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9 VAC 5-80-110 K(5))

73. **General Conditions – Permit Deviation Reporting** - The permittee shall notify the Regional Air Compliance Manager of the DEQs NRO within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 69 of this permit.
(9 VAC 5-80-110 (F)(2) and 9 VAC 5-80-250)
74. **General Conditions – Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify Regional Air Compliance Manager of the DEQs NRO by email, facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Regional Air Compliance Manager of the DEQs NRO.
(9 VAC 5-20-180 C)
75. **General Conditions – Severability** – The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G(1))

76. **General Conditions – Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G(2))
77. **General Conditions – Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G(3))
78. **General Conditions – Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)
79. **General Conditions – Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G(5))
80. **General Conditions – Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G(6))
81. **General Conditions – Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K(1))
82. **General Conditions – Duty to Pay Permit Fees** - The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9 VAC 5-80-2310 through 9 VAC 5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11(A) in 9 VAC 5-80-2340, adjusted annually by the change in the Consumer Price Index.
(9 VAC 5-80-110 H, 9 VAC 5-80-340 C and 9 VAC 5-80-2340 B)

83. **General Conditions – Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
 - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9 VAC 5-40-90)
84. **General Conditions – Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-40-20 E)
85. **General Conditions – Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)
86. **General Conditions – Inspection and Entry Requirements** - The permittee shall allow DEQ, local, and federal representatives upon presentation of credentials and other documents as may be required by law, to perform the following:

- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K(2))

87. **General Conditions – Reopening For Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:

- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

88. **General Conditions – Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

89. **General Conditions – Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

90. **General Conditions – Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the

previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

91. **General Conditions – Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
92. **General Conditions – Malfunction as an Affirmative Defense** - A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements stated in Condition 91 of this permit are met.
(9 VAC 5-80-250)
93. **General Conditions – Malfunction as an Affirmative Defense** - The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
- a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F(2)(b) to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
- (9 VAC 5-80-250)
94. **General Conditions – Malfunction as an Affirmative Defense** - In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
(9 VAC 5-80-250)
95. **General Conditions – Malfunction as an Affirmative Defense** - The provisions of Conditions 90 through 92 are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)
96. **General Conditions – Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material

misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

97. **General Conditions – Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)
98. **General Conditions - Stratospheric Ozone Protection** – If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A to F)
99. **General Conditions – Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A(1))
100. **General Conditions – Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)
101. **General Conditions – Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)
102. **General Conditions – Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
 - a. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

- c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)